

DRAFT ENVIRONMENTAL ASSESSMENT

BLUE-EYED NELLIE
WILDLIFE MANAGEMENT AREA

MOORE/FIVE VALLEYS LAND TRUST PROPERTY
ACQUISITION



Bighorn ram on Moore property with others on the Blue-eyed Nellie WMA in background.

ENVIRONMENTAL ASSESSMENT
SOCIO-ECONOMIC ASSESSMENT
MANAGEMENT PLAN



**Montana Fish,
Wildlife & Parks**

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INTRODUCTION

Montana Fish, Wildlife & Parks (FWP) invites the public to comment on this proposal to acquire a parcel of land comprised of 29.74 acres, located on the north side of Montana Highway 1, seven miles west of Anaconda, Deer Lodge County, Montana, from Five Valleys Land Trust (FVLT) for \$125,000 (Fig. 1). Five Valleys Land Trust purchased the property in December 2008 from Jeffrey A. Moore and Cynthia C. Moore for the purpose of transferring title to FWP when funds to reimburse the land trust become available.

The Moore property is immediately adjacent to the Long property addition, which is part of FWP's 460-acre Blue-eyed Nellie Wildlife Management Area (WMA). The Blue-eyed Nellie WMA provides vital winter range for bighorn sheep, mule deer, elk, and other wildlife species, and with this acquisition assures that a secure travel corridor will continue to exist between the Blue-eyed Nellie WMA and the 9,475-acre Garrity Mountain WMA immediately south of the property across Montana Highway 1.

PURPOSE AND NEED FOR THE PROPOSED ACTION

Authority and Direction

Montana Fish, Wildlife & Parks is authorized by State law (87-1-209 MCA) to purchase wildlife habitat that is seriously threatened for conservation. Five Valleys Land Trust, in cooperation with FWP Region 2 personnel, has applied for \$142,500 from the Natural Resource Damage Program's (NRDP) Upper Clark Fork River Basin Restoration Fund, to pay for the purchase price and \$17,500 in start-up costs to fund property development and management over the first five years of FWP ownership. An Environmental Assessment (EA) is required to evaluate the environmental impacts of this proposal.

The Montana Fish, Wildlife & Parks Commission is the decision-making authority for land purchase proposals by FWP. The Commission provided preliminary endorsement of this purchase during its July 8, 2009 meeting. After the public comment period closes, FWP will release a decision notice, which will be reviewed by the FWP Commissioners, who will approve or deny the acquisition. The State Board of Land Commissioners will subsequently provide a final decision on this proposed purchase.

Statement of Purpose and Project Need

This land acquisition will ensure that native shrub grasslands that provide essential habitat for bighorn sheep from the Lost Creek herd are preserved in perpetuity. Shrub grasslands are a conservation priority identified in *Montana's Statewide Habitat Plan* (1994) as well as in *Montana's Comprehensive Fish & Wildlife Strategy* (2005). Purchase of the Moore parcel is consistent with statewide direction to conserve priority habitats. The purchase would protect from residential and commercial development the only remaining undeveloped wildlife travel corridor linking the Blue-eyed Nellie WMA and Garrity Mountain WMA in the West Valley of Anaconda.

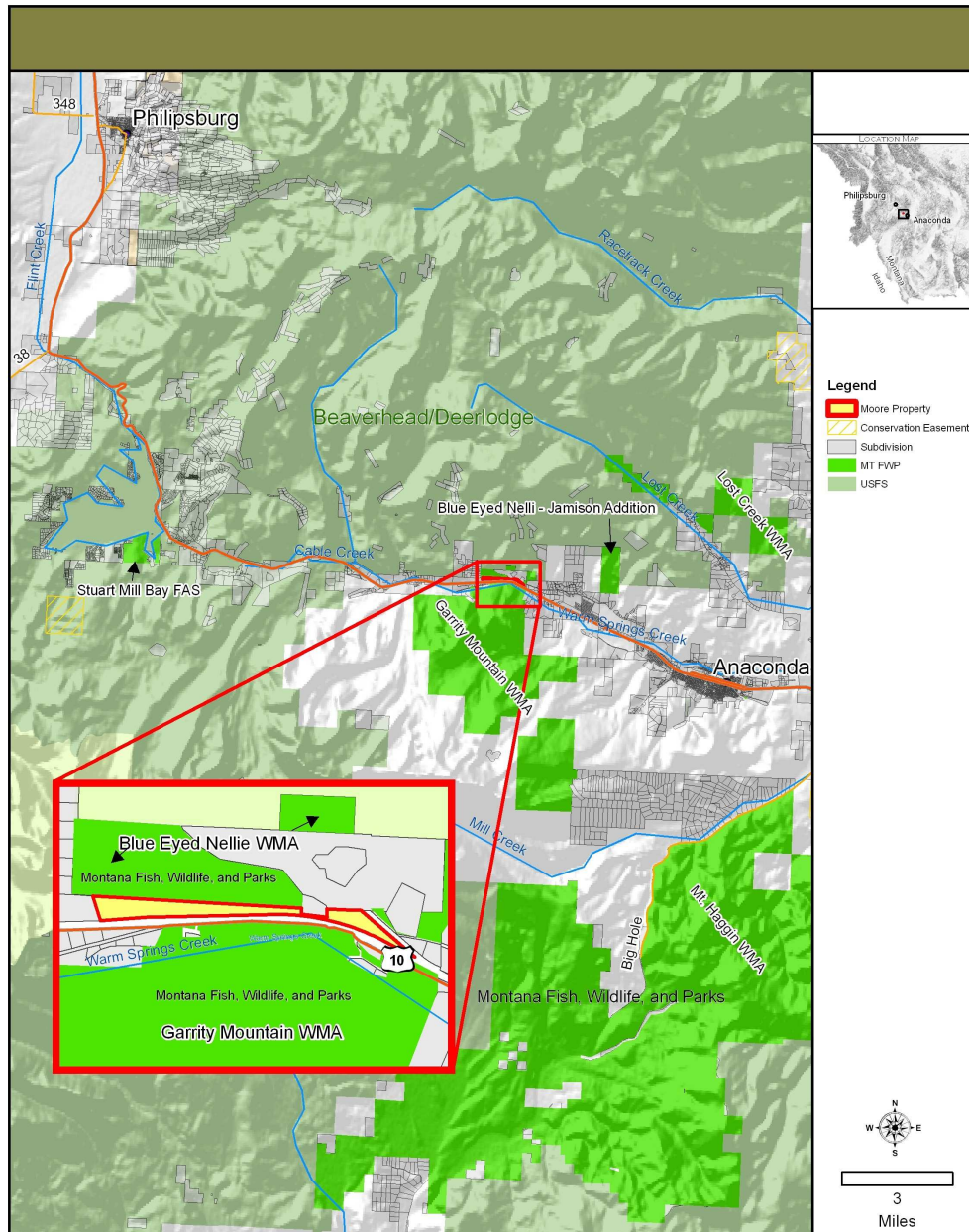


Figure 1. Moore property, area map.

The Moore property was purchased by FVLT at a time when the Moore family desired to sell the property quickly, but chose to honor a verbal commitment to make it available to FWP before marketing the property. Five Valleys Land Trust was convinced of the biological importance of the Moore property and recognized the probable adverse consequences of a sale to private buyers. The Moore family had already identified potential private buyers, so FVLT agreed to step in as a “bridge purchaser” to hold the property until FWP could secure the necessary approvals and funding to act on the opportunity to purchase the property.

The land was purchased by FVLT with the understanding that FWP would secure preliminary authorization for the acquisition from the Montana Fish, Wildlife & Parks Commission and cooperate with FVLT in seeking funding to reimburse the land trust for the purchase of the property. If FWP is not able to purchase the land from FVLT, the land trust may be forced to sell the parcel, which would again leave the land vulnerable to development. If completed, purchase of the parcel by FWP would preserve bighorn habitat and a critical wildlife travel corridor, improve public access, and reimburse a partner in conservation (FVLT) that made this transaction possible.

Five Valleys Land Trust purchased the Moore property for \$120,000 and is asking reimbursement of \$125,000 to complete the transfer to FWP. Since a qualified appraisal completed by Pariac Neibergs of Norman C. Wheeler and Associates in April of 2009 valued the property at \$135,000, the proposed sale price of \$125,000 would be a bargain sale. At the time of purchase, the Montana Wild Sheep Foundation donated \$10,000 to FVLT to assist with the purchase. Those funds were directed to defray a portion of the direct costs incurred by FVLT related to the purchase, including expanded title work, securing the qualified appraisal, legal fees, a variety of due diligence activities, and other direct expenses.

Area Description and Description of Resources

The Moore property is located seven miles west of Anaconda, directly adjacent to and south of the 97-acre Long addition to the Blue-eyed Nellie WMA in the N ½ of Section 26 and the NE ¼ of Section 27, Township 5 North, Range 12 West, Deer Lodge County, and further identified as Tract B-1 of Certificate of Survey 333-A (Fig. 2). The property is located in the Warm Springs Creek drainage and is close to extensive state and federal land holdings, including FWP's Garrity Mountain, Blue-eyed Nellie, and Lost Creek WMAs and tens of thousands of acres of the Beaverhead-Deerlodge National Forest in the Flint Creek and Anaconda-Pintler mountain ranges.

The immediately surrounding area has been the focus of numerous recent land exchanges and acquisitions which include: 1) the Lost Creek Land Exchange completed by the U.S. Forest Service (USFS) in 1994, which succeeded in consolidating federal ownership of 12,000 acres immediately adjoining the Blue-eyed Nellie WMA; 2) the Garrity Mountain acquisition of 9,745 acres of wildlife habitat completed by FWP in cooperation with the Natural Resource Damage Program in 2002; 3) the U.S. Forest Service acquisition of the 25,000-acre "Watershed" property between Garrity WMA and Georgetown Lake in 2002; 4) the 97-acre Long property addition to the Blue-eyed Nellie WMA in 2006; 5) the 59-acre North Lily addition to the Blue-eyed Nellie in 2006; and, 6) the 296-acre Jamison addition to the Blue-eyed Nellie WMA completed in two phases in 2008 and 2009.

Habitat on the Moore property is typical of shrub grasslands in the Upper Clark Fork with vegetation composed of a mix of native and introduced grasses, forbs, sagebrush (*Artemisia* spp.), juniper (*Juniperus* spp.), rabbit brush (*Chrysothamnus nauseosus*), and Douglas-fir (*Pseudotsuga menziesii*) (Fig. 3). The parcel is nearly flat with an acre of spotted knapweed (*Centaurea maculosa*) on the eastern boundary. No standing or perennial water exists on the property.

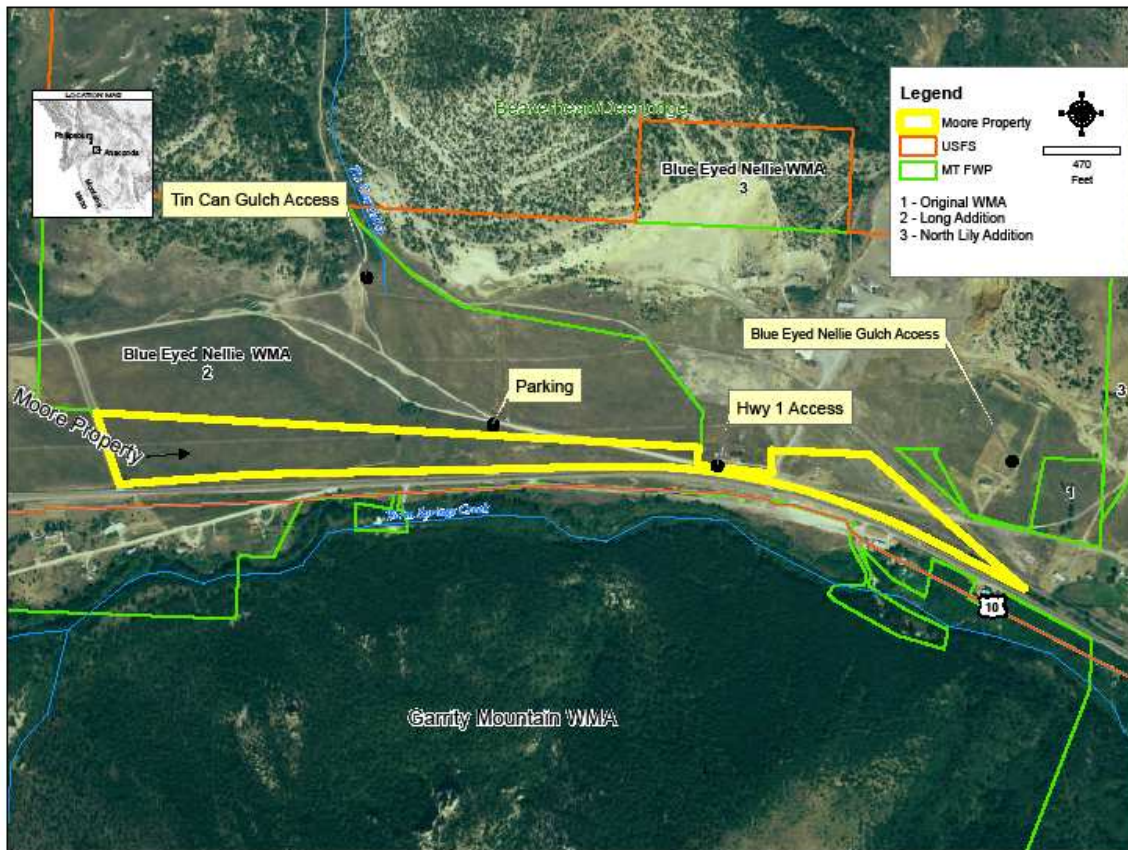


Figure 2. Moore property, site map



Figure 3. Moore property looking northwest

The Moore property supports grassland species typical of arid intermountain valleys in southwestern Montana. Bighorn sheep (*Ovis canadensis*) use the parcel extensively, as do mule deer (*Odocoileus hemionus*), birds and small mammals. Tables 1 and 2 list of species known or likely to occur on the Moore property and nearby lands: 14 mammals, 18 birds, and 1 reptile are known to or may use the property. Use of the property by many of these species is likely to be transient due to its small size and proximity to the highway and associated disturbance.

Table 1. Mammals that may use the Jamison parcel.

Mammals	Mammals	Mammals
<i>Ungulates (4)</i>	<i>Rodents (6)</i>	<i>Carnivores (4)</i>
Bighorn sheep	Columbian ground squirrel	Black bear
White-tailed Deer	Long-tailed weasel	Bobcat
Mule deer	Masked Shrew	Red fox
Elk	Montane vole	Coyote
	Northern pocket gopher	
	Deer mouse	

Table 2. Birds and reptiles that may use the Moore parcel.

Birds (7)	Birds (8)	Birds (3)
<i>Raptors (8)</i>	Mourning dove	<i>Corvids (3)</i>
Golden eagle	Horned lark	Common raven
Northern harrier	Brewer's blackbird	American crow
Prairie falcon	Brown-headed cowbird	Black-billed magpie
Red-tailed hawk	Eastern kingbird	
American kestrel	Vesper sparrow	Reptiles (1)
Rough-legged hawk	Western meadowlark	Western Garter Snake
Great horned owl	Northern shrike	

The parcel is especially important to bighorn sheep who cross the property frequently to access habitats on either side of the valley, to water in Warm Springs Creek, and to forage (Fig. 4). The Lost Creek herd currently numbers over 200 bighorn sheep (216 surveyed 2009, 314 surveyed 2008) and provides significant hunting opportunity (8 ram permits and 30 ewes in 2009) and opportunities for wildlife viewing. Hundreds of people a year visit the Blue-eyed Nellie WMA to observe the bighorn; hikers, four-wheelers, and landowners all enjoy seeing the bighorn along Stucky Ridge and in the Anaconda-Pintler Mountains. The herd, also referred to as the Anaconda herd, is a source of local pride.

Until August 2008, an abandoned West Valley Railroad right-of-way crossed a portion of the property. The railroad bed was composed of potentially toxic slag and was identified as eligible for remediation by the Atlantic Richfield Company as a portion of the Active Railroad Beds Remedial Design Unit #5. The entire railroad bed was removed from site in September 2009, topsoil was brought in as fill where the bed had been, and disturbed areas were re-contoured. Drill seeding of a native seed mix is planned for October 2009.

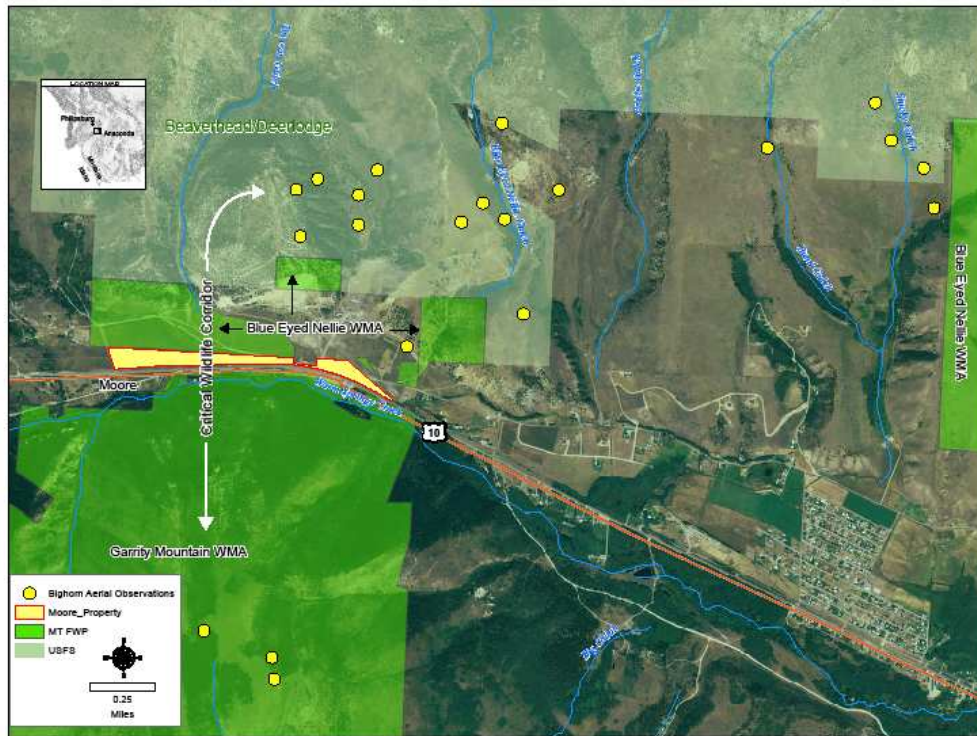


Figure 4. Moore property, landscape map.

DESCRIPTION OF THE PROPOSED ACTION

The proposed action is for Montana Fish, Wildlife & Parks to acquire a fee title for 29.74 acres owned by FVLT for the cost of \$125,000 from the Natural Resource Damage Program's Restoration Fund. This property would be managed as an addition to the Blue-eyed Nellie WMA complex. All management recommendations and regulations pertinent to the Blue-eyed Nellie WMA (Appendix B, Management Plan) would apply to the Moore parcel. Benefits of the proposed action would include conservation of wildlife habitat, securing protection for a vital wildlife travel corridor, avoidance of potential conflicts between people and wildlife, control of invasive weeds, preservation of winter range, provision of opportunities for wildlife viewing, and assuring continued public access to public lands. The Anaconda bighorn sheep herd and the public would directly benefit from this purchase. Hunting and observation of this herd provide significant revenue to the local community.

ALTERNATIVES TO THE PROPOSED ACTION

Alternative A - No Action

The no action alternative leaves the property in private ownership. Since FVLT does not have the resources or expertise to own and manage lands they would likely sell the property, which could then become subject to eventual residential or commercial development.

Alternatives Considered but Dropped from Further Consideration

Placement of a conservation easement on the parcel and conveyance to a private party was considered, but is not a viable alternative because it would not meet the purpose and need of this project and fee-title purchase of this property provides greater public benefit for the cost.

ENVIRONMENTAL EFFECTS OF THE PROPOSED ACTION AND NO ACTION ALTERNATIVES

Neither the proposed action nor the no action alternative would have any effect on the following resources: Solid/hazardous wastes, Water rights, Wild & Scenic rivers, Wetlands & Riparian habitats, or Floodplains.

Wildlife populations

Threatened and Endangered Species

No Threatened and Endangered species, plant or animal, that are present in the region are known to or likely to use the subject property. Wolves (*Canis lupus*) are occasionally found on Garrity Mountain, but they do not use the Warm Springs Valley. Nearby residential sites, a gravel pit, and historic mining activity limit wildlife use to species, like bighorn sheep, which are tolerant of human activity and disturbance.

Bull trout (*Salvelinus confluentus*) are a Threatened species that occur in the Upper Clark Fork watershed, including Warm Springs Creek. Purchase of this parcel could indirectly benefit bull trout by precluding further nearby residential or commercial development that could contribute to nutrient input to Warm Springs Creek.

Alternative A (no action): This action would not preclude future development of the site. If development occurs and a septic system is installed on the Moore property, water quality in Warm Springs Creek (250 yards to the south) and bull trout habitat could be impacted. The no action alternative is unlikely to affect other threatened or endangered species and impacts to bull trout would be limited.

Species of Concern

Although some Montana Species of Concern may be found in the area, their use of the Moore property is unlikely because of the parcel's small size and condition. Restoration of native habitats on site and weed treatment will improve the capability of the land to support Species of Concern including: Peregrine falcons (*Falco peregrinus*), Preble's shrews (*Sorex preblei*), fringed myotis (*Myotis thysanodes*), and Townsend's big-eared bat (*Corynorhinus townsendii*). Peregrine falcons have been observed in the vicinity and could forage over the property. Preble's shrews have been documented in similar grassland habitats near Warm Springs and

Butte. The area is within the range of two bat Species of Concern: the fringed myotis and the Townsend's big-eared bat.

Westslope cutthroat trout (*Oncorhynchus clarki lewisi*) is a Montana Species of Concern that also occurs in Warm Springs Creek, and it is possible, though unlikely, that activities on-site would adversely affect Westslope cutthroat trout. The proposed action would assure that trout would not be impacted by development of the property. No other Species of Concern are known to inhabit the property, adjoining lands and/or waters.

The no action alternative would maintain private ownership of this land and the potential risks of adverse impacts from development to Species of Concern would be unchanged.

Big Game and Nongame Species

The proposed action would protect wildlife habitat in Anaconda's West Valley. Wildlife use of the Moore parcel includes bighorn sheep from the Lost Creek herd, mule deer, and a variety of mammals and birds. The property provides critical linkage for bighorn sheep to move from the foothills of the Flint Creek Range to the Anaconda-Pintler Mountains.

Bighorn sheep frequently traverse the Moore property to access water in Warm Springs Creek. Ewes, lambs, and rams use and cross the property to varying degrees throughout the year. Rams rut in the area, and bighorn sheep forage onsite during periods of severe winter weather and during the spring green-up. In winter it is common to see over 100 bighorn sheep in the vicinity of the Moore parcel. Acquisition of the Moore parcel will protect a critical wildlife corridor and associated winter range.

Under the no action alternative, the existing natural condition would be retained in the short-term, but this alternative would not protect against future development and losses of habitat that may occur as a result. Given the high probability of development on this parcel, the selection of the no action alternative is likely to result in the loss of critical habitat and a critical wildlife corridor for the Lost Creek bighorn herd.

Development of this parcel would eliminate winter forage, disturb bighorn sheep travel patterns, and increase conflicts between wildlife, people, and domestic animals. The cumulative impact of these stresses on bighorn sheep would be negative; effects could include higher individual mortality, reduced lamb production, increased habitat fragmentation, and greater odds of disease related die-offs.

Fisheries

Since there is no perennial water on site, the proposal would have no direct impact to fisheries. If developed, septic systems on the 29.74 acres could result in additional nutrient input to Warm Springs Creek. Implementation of this proposal will forgo this impact.

The current condition and its associated liabilities would be retained under Alternative A.

Potential Value of the Land for Protection, Preservation, and Propagation of Wildlife

The proposed action would retain the value of the Moore property to protect, preserve, and propagate wildlife by conserving the shrub grasslands on site controlling weeds and planting native vegetation. As habitat is enhanced the capability of the site to support wildlife will improve.

Under the no action alternative the condition of the land would deteriorate as weeds, without treatment, become better established. In addition it is likely that future private buyers would chose to construct residences or other structures on the property which would lead to direct and indirect loss of wildlife habitat which in turn would diminish the value of the land to protect, preserve, and propagate native wildlife.

Management Goals Proposed for the Land and Wildlife Populations

Goals proposed for the parcel are detailed in the updated Management Plan for the Blue-eyed Wildlife Management Area (Appendix B). In short the management goals for the complex are to improve native vegetation communities, manage for wintering bighorn sheep, and provide for public recreational opportunities.

Alternative A would not meet these goals as the property would not be held publicly and FWP would not manage the parcel.

Potential Impacts to Adjacent Private Land Resulting from the Proposed Action

The adjoining landowners to the Moore property are Atlantic Richfield Company (ARCO), FWP, the Montana Department of Transportation (MDOT), and three private residential owners. Under the proposed action and provisions of Senate Bill 164 (the 'Good Neighbor Bill') FWP would be required to treat weeds on the Moore parcel. This would benefit adjoining landowners by decreasing the chance that weeds would spread from public to private lands. In other respects the proposal would not impact ARCO or MDOT. The value of private parcels adjoining the proposed addition would likely increase due to these properties' proximity to public lands, wildlife, and associated recreational opportunities.

The no action alternative would maintain the status quo and would have an adverse impact on the neighbors if weeds spread from the Moore property or if their view of open space was lost due to the construction of homes on the Moore property.

Potential Social and Economic Impacts to Affected Local and State Governments

The potential social and economic implications of purchase of the Moore property are considered in detail in the Socio-economic Assessment (Appendix A). Deerlodge County would suffer no net loss of tax revenue, as the state is required to make tax payments equal to the annual payments assessed to private landowners. The Natural Resource Damage Program would expend \$142,500 from the Restoration Fund with commensurate benefits for wildlife and public recreation.

The no action alternative would allow for growth in tax revenue to Deerlodge County if the property is developed; however, increased revenue would require increased expenditures by the County to provide emergency services, schools, utilities, and other services.

Land Maintenance Program to Control Weeds and Maintain Roads and Fences

As per the Management Plan (Appendix B), Montana Fish, Wildlife & Parks would become responsible for the control of weeds, fencing, and road maintenance of the property proposed for purchase. The NRDP grant proposal included a \$17,500 request for start-up costs associated with department acquisition of the parcel. Funds for weed control, native planting, fencing removal and construction, and development of a parking area would come from this fund as well as \$7,500 of FWP funds necessary to satisfy the requirements of Senate Bill 164.

Under the no action alternative, the existing conditions--broken fences and knapweed infestations--would likely persist.

Vegetation, Forest, and Fire Management

Native vegetation on site is composed of species associated with intermountain grassland and shrub grasslands including bunch grasses, sagebrush, rabbit brush, and juniper. Introduced grasses also occur onsite and some spotted knapweed infestations occur. Weed control is part of the Blue-eyed Nellie Management Plan, would occur here if the proposal were implemented, and would benefit native vegetation and wildlife. Active forest management is not necessary because only a few small trees exist. If necessary, fire suppression would occur in accordance with an agreement with the Montana Department of Natural Resources and Conservation (DNRC).

Impacts to vegetation with Alternative A would depend on the actions of the owner and future buyers. If developed, the extent and diversity of native vegetation may be reduced. There is no guarantee that weeds would be controlled under the no action scenario; fire management would not be impacted.

Public Access, Recreation, and Hunting

The proposed action would allow public access. Hiking and wildlife viewing opportunities would be secured on site. The public is frequently able to view wild bighorn sheep and the sheep attract viewers from outside the community as well as locally. Wildlife education kiosks would be incorporated into the design of the WMA. The Lost Creek herd provides over 200 hunter days and associated revenue. Trophy bighorn rams are consistently harvested from this herd. Selection of the proposed action would help to maintain this herd and the opportunities for hunting and wildlife viewing that it provides.

Private parties would retain sole legal access to the area under the no action alternative. Depending upon how the property is ultimately used, opportunities for wildlife viewing could be diminished and public access could be precluded.

Livestock Grazing

Livestock grazing does not currently occur on the property. If purchased, livestock grazing would be prohibited to assure maximum forage production for wildlife and to minimize contact between wild and domestic animals. Because of the high risk to bighorn sheep from pathogens transmitted from domestic sheep, a guarantee that domestic animals will not occur on this parcel would benefit to the Lost Creek herd.

Alternative A would maintain the current condition, which allows private parties to graze livestock on this parcel. The impact of grazing on vegetation would depend on the intensity of use. Risks to wild bighorn sheep from disease transmission would not be curtailed.

Air and Water Quality

The proposed action would not affect air and water quality, but would preclude impacts associated with possible future activities on site.

The no action alternative would not affect air and water quality directly, but if future development were to occur here, that development could impact air and/or water quality. Septic systems could be installed as part of a development and leaching of nutrients from these systems can impact water quality.

Historic and Cultural Resources

There are no known significant historic or cultural resources in the area. The Montana State Historic Preservation Office (SHPO) will be contacted to determine if they have records of significant cultural resources on the property.

Alternative A would maintain the current condition.

Land Use, Neighboring Landowners, and Local Community

Under the proposed action the land would remain undeveloped, no commercial activities, grazing, or timber harvest would occur. Neighboring landowners to the Moore property include FWP, ARCO, and several private landowners. Sale of the property to FWP will maintain open space as well as the rural character of the area. The local community would retain their opportunities to view, photograph, and hunt sheep in the area. Revenues associated with hunting and viewing the bighorn would be retained or enhanced by the proposal (Appendix A).

With Alternative A, private development of this site could include multiple residences or commercial facilities. The construction of homes or commercial improvements would result in additional future tax revenues. Wildlife viewing, photography, public access, and the opportunity to enjoy unimpeded scenic vistas would be compromised.

Economic

The proposed action would eliminate the possibility of future residential and commercial development on the subject land. Costs to the city and county associated with providing services and utilities would be avoided. The land would remain taxable as agricultural land, but not as residential land and improvements (Appendix A, Socio-Economic Report).

If Alternative A is implemented, development of the Moore property and additional tax revenue to the County could result. The county would incur additional expenses associated with supplying services to a new subdivision or business.

Cumulative Impacts

Approval of the proposed action would have an overall positive impact on the environment. Addition of the Moore property to the Blue-eyed Nellie WMA will preserve public access, wildlife habitat, and viewing opportunities, and contribute to the long-term health and survival of the Lost Creek bighorn herd by protecting important year-round habitat. Adverse environmental impacts that would result from residential or commercial development of this property would be averted.

The no action alternative could result in residential and/or commercial development and cumulative adverse impacts to the environment when this occurs. Wildlife habitat could be lost and revenue associated with the Lost Creek bighorn sheep herd could be jeopardized. Tax revenue may be gained at the expense of environmental impacts, lost wildlife habitat, and increased threats to the health of the Lost Creek bighorn herd.

PUBLIC INVOLVEMENT

Formal public participation related to FWP's proposed purchase of the Moore property, will begin with the availability of this environmental assessment for public review and comment. The availability of this EA for public review will be advertised in newspapers statewide, a copy of the EA will be mailed to all parties who indicate an interest in this proposal, and the EA will be posted on FWP's website (<http://fwp.state.mt.us>). A thirty-day public review period will run from October 14 to November 12, 2009. On October 27 (Tuesday) at 7:00 p.m. in Anaconda at the Lee Metcalf Center (115 E Pennsylvania Ave), a public hearing will be held. After reviewing public input received no later than 5 p.m. on November 12, 2009, FWP will select a preferred alternative and issue a Decision Notice. The Montana Fish, Wildlife & Parks Commission will be asked to render final decision on this proposal at its meeting on December 10, 2009 at FWP Headquarters, and State Board of Land Commissioners final consideration of the project will occur on January 18, 2009.

Comments should be mailed to Ray Vinkey; Montana Fish, Wildlife & Parks; P.O. Box 1066, Philipsburg, MT, 59858; phoned to (406) 691-0130; or emailed to rvinkey@mt.gov. For consideration, comments must be received by FWP no later than 5 p.m. on November 12, 2009.

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NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

Based on an evaluation of impacts to the environment under the Montana Environmental Protection Act (MEPA), this environmental review found no significant impacts from the proposed action. Due to this finding an Environmental Impact Statement (EIS) is not necessary, and an EA is the appropriate level of analysis.

PERSON RESPONSIBLE FOR PREPARING THIS ENVIRONMENTAL ASSESSMENT

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